



March 2, 1999

Mr. Miles Risley
City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-0606

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122473.

The City of Victoria (the "city") received a request for copies of all information in reference to the arrest of a juvenile. You contend that the information must be withheld from public disclosure by section 552.101 of the Government Code in conjunction with section 58.005 of the Family Code. We have considered the exceptions you claim plus section 58.007 of the Family Code and have reviewed the documents at issue.

You submitted to this office information that is responsive to the request for records. You argue that the requested information is confidential under the Family Code because it involves juvenile conduct. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Family Code section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Section 58.007(c) of the Family Code only applies to juvenile law enforcement records concerning juvenile conduct occurring on or after September 1, 1997, that are maintained

by law enforcement agencies. Here, the requested information involves juvenile conduct that occurred after September 1, 1997. Thus, the records are made confidential by section 58.007 of the Family Code. Accordingly, you must withhold the requested information under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. Since we have resolved this request under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code, we need not address your claims under section 58.005 of the Family Code or section 552.108 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 122473

Enclosures: Submitted documents